

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:11-CV-00717-H

ELLIS RAY PATTERSON EL-BEY
and GRETCHEN ANN PATTERSON
EL-BEY,

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendant.

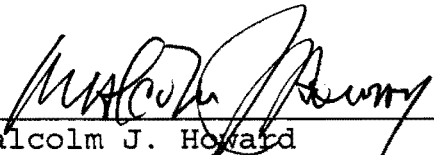
ORDER

This matter is before the court for frivolity review pursuant to 28 U.S.C. § 1915(e)(2). Magistrate Judge David W. Daniel filed an Order and Memorandum and Recommendation ("M&R") on February 3, 2012, ordering that plaintiff's motion to proceed in forma pauperis be granted and recommending that the underlying complaint be dismissed as frivolous. No objections have been filed, and the time for doing so has expired. Therefore, this matter is ripe for adjudication.

A full and careful review of the M&R and other documents of record convinces the court that the recommendation of the magistrate judge is, in all respects, in accordance with the law and should be approved.

Accordingly, the court adopts the recommendation of the magistrate judge as its own; and for the reasons stated therein, the plaintiffs' complaint is dismissed as frivolous for failure to state a claim upon which relief may be granted. The clerk is directed to close the case.

This 22nd day of March 2012.



Malcolm J. Howard
Senior United States District Judge

At Greenville, NC
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